

Notice of Allowability	Application No.	Applicant(s)
	09/813,898	SATO ET AL.
	Examiner	Art Unit
	Peter Vincent Agustin	2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the RCE filed January 26, 2005.
2. The allowed claim(s) is/are 1 and 2.
3. The drawings filed on 22 March 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

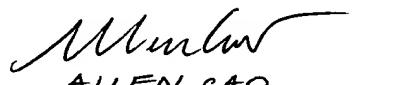
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.


ALLEN CAO
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 1 & 2 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The prior art of record as a whole fails to teach or suggest:

In claim 1, a tracking servo apparatus of an optical information recording and reproducing apparatus for recording and reproducing information by irradiating a laser beam onto an optical disc, comprising: an optical system for obtaining a photoelectric conversion signal by photoelectrically converting reflection light which is obtained when said laser beam is irradiated onto a recording surface of said optical disc; a tracking error signal generating portion for generating a tracking error signal indicative of a deviation amount of an irradiating position of said laser beam for a track in a disc radial direction on said recording surface by said photoelectric conversion signal; a spherical aberration detecting portion for detecting a spherical aberration caused by a thickness error of a transparent layer of the optical disc; a level correcting portion for correcting a level of said tracking error signal on the basis of a detection result of said spherical aberration detecting portion; and a driving portion for moving the irradiating position of said laser beam in the disc radial direction in accordance with the tracking error signal, the level of which has been corrected by said level correction portion, wherein said spherical aberration detecting portion generates a voltage signal as the detection result of the spherical aberration, and **said level correcting portion includes: a gain control signal generating portion for folding back said voltage signal on the basis of a predetermined reference level to generate a gain control signal** (see note below); and an amplifying portion for receiving the

tracking error signal generated from said tracking error signal generating portion and amplifying the received tracking error signal by an amplification gain corresponding to said gain control signal. Note: In light of the applicant's specification, the term "folding back" has been interpreted by the examiner as "inverting" (see page 12, second paragraph and Figures 8A & 8B).

Claim 2 is dependent upon claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Vincent Agustin whose telephone number is 703-305-8980. The examiner can normally be reached on Monday-Friday 9:30-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on 703-305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Vincent Agustin
Art Unit 2652

Allen Cao
ALLEN CAO
PRIMARY EXAMINER